

RECEIVED

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GARY PADGETT #235251

PLAINTIFF,

CIVIL ACTION NO. 2:05-CV-608

GWENDOLYN MOSLEY ET AL.
DEFENDANTS

AFFIDAVIT

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE OF ALABAMA AT LARGE, PERSONALLY APPEARED VINICK CHARLES BROWN ALSO KNOWN AS CHARLES BROWN, WHO BEING KNOWN TO ME AND BEING BY ME FIRST DULY SWORN, DEPOSES AND SAYS UNDER OATH AS FOLLOWS:

MY NAME IS VINICK CHARLES BROWN AND I AM PRESENTLY INCARCERATED AT EASTERLING CORRECTIONAL FACILITY, LOCATED IN CLIO, AL. 36017 I WAS ASSIGNED IN AUGUST 2004 TO PUSH GARY PADGETT THROUGHOUT THE FACILITY. ACCORDING TO GARY PADGETT, DURING THE MONTH OF AUGUST 2004 GARY PADGETT WAS REMOVED FROM THE VISITATION AREA AND TAKEN TO HOT DORM #5, IN RESTRAINT FOR AN ACCUSATION OF BRINGING INTO THE FACILITY TOBACCO PRODUCTS. GARY PADGETT SAID THAT HE WAS PLACED IN BELLY CHAINS AND HAND CUFFS, HIS CLOTHING WAS SEARCHED AND HIS WHEEL CHAIR TAKEN APART. AFTERWARDS HE WAS PLACED BACK INTO HIS WHEEL CHAIR AND FOR TWENTY FIVE (25) HOURS EVERYONE WAITED ON THE LAXATIVE TO WORK ON ME THAT WAS GIVEN ME. I WAS THEN LIFTED AND PLACED ON A BUCKET TO DEFECATE. NOTHING WAS FOUND. HE WAS RELEASED BACK TO HIS ASSIGNED DORMITORY IN SHAME. GARY SAID HOW CAN I LOOK AT THESE MEN WHO DISRESPECTED ME FOR FALSE ACCUSATION.

GARY WAS TRANSFERRED TO DORM 6A FOR BEING PROVOKED INTO A SITUATION THAT GOT OUT OF HAND. HIS NAME WAS ON THE BULLETIN BOARD FOR FASTING LAB, UNFORTUNATELY GARY DID NOT NOTICE HIS NAME, ANYWAY OFFICER BURTON TOLD GARY TO GET HIS ASS OUT OF HIS WHEEL CHAIR AND THEN MAYBE YOU CAN SEE YOUR NAME ON THE BOARD. GARY THEN SAID YOU NEED TO SIT YOUR ASS IN THIS WHEEL CHAIR, THEN YOU TELL ME IF YOU CAN SEE MY NAME, ANYWAY THE SGT. OVERHEARD THE CONVERSATION, SO HE SAID REPORT TO THE SHIPPERS OFFICE, SHORTLY AFTERWARDS THE SGT. CAME

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IN AND THE SGT. SAID TAKE PADGETT BACK TO NINE DORM TO GET HIS BELONGING. HE IS BEING PUT IN NINE DORM TRANSFERRED TO 6A SEGREGATION.

THE GYM IS THE MAIN ENTRANCE TO THE LAW LIBRARY AND PRIORER TO SEPTEMBER 18, 2005 YOU HAD TO LIFT A INDIVIDUAL UPON THE CONCRETE SLAB, IN ORDER TO GET INTO THE GYM. NOW THERE IS A MAKE SHIFT RAMP THATS IN A BAD LOCATION THAT COULD CAUSE FURTHER DAMAGE TO A INDIVIDUAL, BECAUSE IT'S IN A BLIND LOCATION. ONES IN THE LAW LIBRARY YOU HAVE TO MANY PEOPLE IN A SMALL ROOM TRYING TO GET OUT OF THE WAY. THERE IS NO ROOM FOR A WHEEL CHAIR IN LAW LIBRARY, AND I DON'T BELIEVE WHOEVER PUT THIS TOGETHER DIDN'T HAVE A WHEEL CHAIR IN MIND. INMATES THAT USE THE LAW LIBRARY ARE ALLOWED TO USE IT WHEN THEIR ASSIGNED DORMITORY HAS YARD AND GYM CALL. NO ONE IN A WHEEL CHAIR CAN USE THE LAW LIBRARY WHEN IT IS POPULATED.

THE INMATE GARY PADGETT HAS NOT BEEN CHARGED WITH ANYTYPE OF SEX CRIME. SO AGAIN WARDEN MOSLEY HAS MAXIMIZED HER POSITION TO THE FULLEST, HER STATUS HAS WARDEN III DOES NOT GIVE HER AUTHORITY TO OVEREMPHASIZE PERSONAL ENTANGLEMENT, NOR DOES IT GIVE WARDEN MOSLEY THE JUSTICATION TO UNREMITTINGLY INTERFERE INTO INMATE GARY PADGETT PERSONEL RESIDENCE. WHEN WARDEN MOSLEY AS TAKEN UPON HERSELF TO BE JUDGE AND JURY BASED ON A TELEPHONE CONVERSATION BY KNOWING NOT THE ENHANCEMENT OF THE ENTIRE CONVERSATION, THE WARDEN OVERSTEPPED HER AUTHORITY BY DISMISSING MS. JOANNA AND BRIAN FUSSELL FROM INMATE GARY PADGETT VISITATION LIST.

WE ARE ALREADY DEPRIVED OF OUR FREEDOM FOR A CRIME FOR ONE REASON OR ANOTHER, BUT TO REMOVE ANYONE FROM THE ONLY THING THAT IS CHERISHABLE THAT IS A CRIME IN ITSELF. I HONESTLY BELIEVE THAT WARDEN MOSLEY IS OVERCONFIDENT IN HER POSITION. THE COMMISSIONER DONAL CAMPBELL NEED TO RE-EVALUATE WARDEN GWENDOLYN MOSLEY PROFESSIONAL ABILITY TO DETERMINE IF THE WARDEN IS MENTALLY STABLE, AND DOES NOT HAVE PENDING ISSUES IN HER OWN HOUSEHOLD SEXUALLY, IN ORDER FOR WARDEN MOSLEY TO INTERFER IN INMATE GARY PADGETT HOME.

I TOOK A LOOK AT THE STANDARD OPERATING PROCEDURES C-30, AND I THOUGHT TO MYSELF, THIS IS WHAT THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION IS ABOUT CRUEL AND UNUSUAL PUNISHMENT FOR GARY PADGETT TO BE SUBJECTED TO THIS TYPE OF CRUELTY BY A WOMAN, IN CHARGE OF A PRISON. SEE EXHIBET A

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SIGNED Vinice C Brown 10/26/05
VINICE CHARLES BROWN

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS THE 26 DAY OF OCTOBER
2005,

my commission expires March 10, 2007
MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC 10/26/05

STATE OF ALABAMA)
BARBER COUNTY)

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED
GARY PADGETT WHO, BEING KNOWN TO ME, AND BEING BY ME DULY SWORN,
DEPOSES AND SAYS ON OATH THAT THE FACTS CONTAINED AND THE
MATTERS ALLEGED IN THE FOREGOING INSTRUMENT, WHICH HE HAS
READ, ARE TRUE AND CORRECT.

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE 26 DAY OF
OCTOBER 2005.

SIGNED [Signature]
GARY PADGETT

[Signature] 10/26/05
NOTARY PUBLIC

my commission expires March 10, 2007
MY COMMISSION EXPIRES: _____